

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gwendolyn Hollback,

Plaintiff,

v.

Case No. 2:13-cv-1264

Rothman Mediation Services,
LLC and Andy Palumbo,

Defendants.

ORDER

This is an action filed pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692, et seq., and the Ohio Consumer Sales Practices Act ("OCSPA"), Ohio Rev. Code §1354.01, et seq. On April 3, 2014, an entry of default was filed by the clerk as to both defendants. On April 8, 2014, plaintiff filed a motion for default judgment. See Doc. 9. On April 25, 2014, this court referred the motion to a magistrate judge for hearing and report and recommendation. The magistrate judge held a hearing, and issued a report and recommendation on July 17, 2014. See Doc. 24. In the report and recommendation, the magistrate judge found that the defendants had been served with the summons and complaint. See Doc. 24, pp. 1-2. Defendants have failed to timely answer or otherwise respond to the complaint. The magistrate judge recommended that plaintiff recover \$1,000.00 in statutory damages under the FDCPA and \$200.00 in statutory damages under the OCSPA. Doc. 24, p. 4. The magistrate judge further recommended that the defendants be found liable for noneconomic damages in the amount of \$5,000.00 under the OCSPA. Doc. 24, p. 4. The magistrate judge also recommended that plaintiff be awarded \$3,685.00 in attorney

fees and \$400.00 in costs. Doc. 24, p. 4. In summary, the magistrate judge recommended that plaintiff be awarded the total sum of \$10,285.00 from defendants, jointly and severally, plus statutory interest from the date of judgment. Doc. 24, p. 5.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation would "result in a waiver of the right to de novo review by the District Judge and waiver of the right to appeal the judgment of the District Court." Doc. 24, p. 5 (citing Thomas v. Arn, 474 U.S. 140, 150-52 (1985) and United States v. Walters, 638 F.2d 947 (6th Cir. 1981)). No objections were filed to the report and recommendation.

The court agrees with the recommendations of the magistrate judge, and hereby adopts and affirms the report and recommendation (Doc. 24). Plaintiff's motion for default judgment (Doc. 9) is granted. The clerk is directed to enter judgment in favor of plaintiff and against the defendants, jointly and severally, in the total amount of \$10,285.00 (consisting of \$1,000.00 in statutory damages under the FDCPA, \$200.00 in statutory damages and \$5,000.00 in noneconomic damages under the OCSPA, \$3,685.00 in attorney fees and \$400.00 in costs), plus statutory interest from the date of judgment.

Date: August 7, 2014

s/James L. Graham
James L. Graham
United States District Judge